

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1762 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PRABHUDAS B GURNANI

Versus

STATE OF GUJARAT

Appearance:

MR BR SHAH for Petitioners

MR. UDAY BHATT, AGP, for Respondent No. 1,2 & 5

MR DA BAMBHANIA for Respondent No. 4

NONE for respondent No. 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 26/11/1999

ORAL JUDGEMENT

The prayer in this writ petition is to quash the decisions dated 30.1.1988 and 30.3.1988 so also the order dated 17.2.1988 with further prayer that the respondent Nos. 1,2 and 5 be restrained from implementing the impugned decisions. Shri Uday Bhattt appears for respondent No. 1,2 and 5 and Shri D.A. Bambhania appears for respondent No. 5. None appears for the

petitioner and respondent No. 3. It has rightly been pointed out by Shri Bhatt and by Shri Bambhania that by passage of time this petition has become infructuous. The writ petition has been examined. The allegations in the writ petition support the objection that by passage of time the petition has become infructuous. It appears that general elections for electing members of the respondent No. 3 Municipality was held in the year 1983. Election for President and Vice President was held in 1985. Shri Bambhania has pointed out that under the interim order of this court dated 8.4.1988 the petitioners had completed their term which was for five years and thereafter two elections have taken place, as such nothing survives in this writ petition which has become infructuous. The petition is therefore dismissed as infructuous. No order as to costs.

(D.C. SRIVASTAVA, J)

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